

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JAMES R. COOTS,

Plaintiff,

v.

Civil Action 1:22-cv-625

Judge Matthew W. McFarland

Magistrate Judge Kimberly A. Jolson

OFFICER TWILLA, et al.,

Defendants.

ORDER

This matter is before the Court on Plaintiff’s Motion regarding legal mail (Doc. 26), Motion to Compel Discovery (Doc. 30), and Motion to Retract (Doc. 31). The Court addresses each motion in turn.

First, Plaintiff asks that the Court use an “assigned mailing number” from the Ohio Department of Rehabilitation and Correction (“ODRC”) for all mail that it sends to him. (Doc. 26 at 1). He seems to be referring to ODRC’s policy which “requires senders to register, obtain and use valid control numbers on all legal mail sent to incarcerated individuals.” *Legal Mail*, OHIO DEP’T REHAB. & CORR., <https://drc.ohio.gov/visitation/legal-mail/legal-mail> (last visited May 25, 2023). That policy states that “[l]egal mail without a valid control number will be processed as regular mail, i.e., opened, copied and delivered to the addressee incarcerated individual.” *Id.* Plaintiff represents that all mail sent from the Court is processed as regular mail by ODRC and therefore opened and copied outside his presence. (Doc. 26 at 1). He says this is in violation of federal law. (*Id.* at 2).

In other words, Plaintiff appears to be making a claim that ODRC’s legal mail policy violates federal law. The Court finds that—rather than addressing this issue in this limited

Motion—the claim requires more fulsome consideration. Accordingly, Plaintiff is given leave—should he choose—to amend his Complaint to include his legal mail claim and any appropriate Defendant(s). He must do so within **twenty-one days** of the date of this Order. In all other respects, the present Motion (Doc. 26) is **DENIED without prejudice**.

Next, Plaintiff brings a Motion to Compel “complete discovery” in this case from the “Ohio Attorney General’s office.” (Doc. 30). Recently, the Court denied without prejudice a similar motion, because it had been brought before Plaintiff had served any discovery requests on Defendants’ counsel. (Doc. 28 at 8–9). For the same reasons, this Motion to Compel (Doc. 30) also appears premature and is **DENIED without prejudice**.

Finally, Plaintiff brings a Motion to Retract his earlier motion seeking to compel discovery. (Doc. 31). As described in the preceding paragraph, that motion was already denied without prejudice in a previous Order, and there is therefore no need for Plaintiff to withdraw the motion at this time. Accordingly, Plaintiff’s Motion to Retract (Doc. 31) is **DENIED as moot**.

IT IS SO ORDERED.

Date: May 25, 2023

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE